



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5892

by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-30

Amends the School Code. Provides for the administration of undesignated epinephrine auto-injectors by a pupil, school nurse, and trained personnel. Limits liability for the administration of undesignated epinephrine auto-injectors by a school nurse or trained personnel. Requires a school to permit the self-administration and self-carry of asthma medication by a pupil with asthma. Provides that prior to the administration of an undesignated epinephrine auto-injector, trained personnel must submit to his or her school's administration proof of completion of a training curriculum to recognize and respond to anaphylaxis. Requires training to be completed annually and sets forth training curriculum guidelines. Provides that within 3 days of the administration of epinephrine by a school nurse, trained personnel, or a student at a school or school-sponsored activity, the school must report to the Board certain information, which the Board will then use in its report to the General Assembly identifying the frequency and circumstances of epinephrine administration during the preceding academic year. Effective August 1, 2014.

LRB098 18523 OMW 55678 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 22-30 as follows:

6 (105 ILCS 5/22-30)

7 Sec. 22-30. Self-administration and self-carry of asthma
8 medication and epinephrine auto-injectors; administration of
9 undesigned epinephrine auto-injectors ~~school nurse~~
10 ~~administration.~~

11 (a) In this Section:

12 "Asthma inhaler" means a quick reliever asthma inhaler.

13 "Epinephrine auto-injector" means a single-use device used
14 for the automatic injection of a pre-measured dose of
15 epinephrine into the human body ~~medical device for immediate~~
16 ~~self administration by a person at risk of anaphylaxis.~~

17 "Asthma medication ~~Medication~~" means a medicine,
18 prescribed by (i) a physician licensed to practice medicine in
19 all its branches, (ii) a physician assistant who has been
20 delegated the authority to prescribe asthma medications by his
21 or her supervising physician, or (iii) an advanced practice
22 ~~registered~~ nurse who has a written collaborative agreement with
23 a collaborating physician that delegates the authority to

1 prescribe asthma medications, for a pupil that pertains to the
2 pupil's asthma and that has an individual prescription label.

3 "Self-administration" means a pupil's discretionary use of
4 ~~and ability to carry~~ his or her prescribed asthma medication or
5 epinephrine auto-injector.

6 "Self-carry" means a pupil's ability to carry his or her
7 prescribed asthma medication or epinephrine auto-injector.

8 "Trained personnel" means any school employee or volunteer
9 personnel authorized in Sections 10-22.34, 10-22.34a, and
10 10-22.34b of this Code who has completed training under
11 subsection (g) of this Section to recognize and respond to
12 anaphylaxis.

13 "Undesignated epinephrine auto-injector" means an
14 epinephrine auto-injector prescribed in the name of a school
15 district, public school, or nonpublic school.

16 (b) A school, whether public or nonpublic, must permit the
17 self-administration and self-carry of asthma medication by a
18 pupil with asthma or the self-administration and self-carry ~~use~~
19 of an epinephrine auto-injector by a pupil, provided that:

20 (1) the parents or guardians of the pupil provide to
21 the school (i) written authorization from the parents or
22 guardians for (A) the self-administration and self-carry
23 of asthma medication or (B) the self-carry of asthma
24 medication or (ii) for (A) the self-administration and
25 self-carry of an epinephrine auto-injector or (B) the
26 self-carry ~~use~~ of an epinephrine auto-injector, written

1 authorization from the pupil's physician, physician
2 assistant, or advanced practice ~~registered~~ nurse; and

3 (2) the parents or guardians of the pupil provide to
4 the school (i) the prescription label, which must contain
5 the name of the asthma medication, the prescribed dosage,
6 and the time at which or circumstances under which the
7 asthma medication is to be administered, or (ii) for the
8 self-administration or self-carry use of an epinephrine
9 auto-injector, a written statement from the pupil's
10 physician, physician assistant, or advanced practice
11 ~~registered~~ nurse containing the following information:

12 (A) the name and purpose of the epinephrine
13 auto-injector;

14 (B) the prescribed dosage; and

15 (C) the time or times at which or the special
16 circumstances under which the epinephrine
17 auto-injector is to be administered.

18 The information provided shall be kept on file in the office of
19 the school nurse or, in the absence of a school nurse, the
20 school's administrator.

21 (b-5) (Blank). ~~A school district or nonpublic school may~~
22 ~~authorize the provision of an epinephrine auto injector to a~~
23 ~~student or any personnel authorized under a student's~~
24 ~~Individual Health Care Action Plan, Illinois Food Allergy~~
25 ~~Emergency Action Plan and Treatment Authorization Form, or plan~~
26 ~~pursuant to Section 504 of the federal Rehabilitation Act of~~

1 ~~1973 to administer an epinephrine auto-injector to the student,~~
2 ~~that meets the prescription on file.~~

3 (b-10) The school district, public school, or nonpublic
4 school may authorize a school nurse or trained personnel to do
5 the following: (i) provide an undesigned epinephrine
6 auto-injector that meets a student's prescription on file to
7 that a student for self-administration ~~or any personnel~~
8 ~~authorized under a student's Individual Health Care Action~~
9 ~~Plan, Illinois Food Allergy Emergency Action Plan and Treatment~~
10 ~~Authorization Form, or plan pursuant to Section 504 of the~~
11 ~~federal Rehabilitation Act of 1973 to administer an epinephrine~~
12 ~~auto-injector to the student, that meets the prescription on~~
13 ~~file;~~ (ii) administer an undesigned epinephrine
14 auto-injector that meets the prescription on file to any
15 student who has an Individual Health Care Action Plan, Illinois
16 Food Allergy Emergency Action Plan and Treatment Authorization
17 Form, or plan pursuant to Section 504 of the federal
18 Rehabilitation Act of 1973 that authorizes the use of an
19 epinephrine ~~Epinephrine~~ auto-injector; and (iii) administer an
20 undesigned epinephrine auto-injector to any person ~~student~~
21 that the school nurse or trained personnel in good faith
22 ~~professionally~~ believes is having an anaphylactic reaction.

23 (c) The school district, public school, or nonpublic school
24 must inform the parents or guardians of the pupil, in writing,
25 that the school district, public school, or nonpublic school
26 and its employees and agents, ~~including a physician providing~~

1 ~~standing protocol or prescription for school epinephrine~~
2 ~~auto-injectors,~~ are to incur no liability, except for willful
3 and wanton conduct, as a result of any injury arising from the
4 self-administration of asthma medication or the
5 self-administration ~~use~~ of an epinephrine auto-injector
6 regardless of whether authorization was given by the pupil's
7 parents or guardians or by the pupil's physician, physician
8 ~~physician's~~ assistant, or advanced practice ~~registered~~ nurse.
9 The parents or guardians of the pupil must sign a statement
10 acknowledging that the school district, public school, or
11 nonpublic school and its employees and agents are to incur no
12 liability, except for willful and wanton conduct, as a result
13 of any injury arising from the self-administration of asthma
14 medication or the self-administration ~~use~~ of an epinephrine
15 auto-injector regardless of whether authorization was given by
16 the pupil's parents or guardians or by the pupil's physician,
17 physician ~~physician's~~ assistant, or advanced practice
18 ~~registered~~ nurse and that the parents or guardians must
19 indemnify and hold harmless the school district, public school,
20 or nonpublic school and its employees and agents against any
21 claims, except a claim based on willful and wanton conduct,
22 arising out of the self-administration of asthma medication or
23 the self-administration ~~use~~ of an epinephrine auto-injector
24 regardless of whether authorization was given by the pupil's
25 parents or guardians or by the pupil's physician, physician
26 ~~physician's~~ assistant, or advanced practice ~~registered~~ nurse.

1 (c-5) When a school nurse or trained personnel administers
2 an undesigned epinephrine auto-injector to a person ~~student~~
3 whom the school nurse or trained personnel in good faith
4 ~~professionally~~ believes is having an anaphylactic reaction,
5 ~~notwithstanding the lack of notice to the parents or guardians~~
6 ~~of the pupil or the absence of the parents or guardians signed~~
7 ~~statement acknowledging no liability, except for willful and~~
8 ~~wanton conduct,~~ the school district, public school, or
9 nonpublic school and its employees and agents, and including a
10 physician, a physician assistant, or an advanced practice nurse
11 providing standing protocol or prescription for undesigned
12 ~~school~~ epinephrine auto-injectors, are to incur no liability,
13 except for willful and wanton conduct, as a result of any
14 injury arising from the use of an undesigned epinephrine
15 auto-injector regardless of whether authorization was given by
16 the pupil's parents or guardians or by the pupil's physician,
17 physician ~~physician's~~ assistant, or advanced practice
18 registered nurse.

19 (c-10) A school district, public school, or nonpublic
20 school and its employees and agents, and a physician, a
21 physician assistant, or an advanced practice nurse providing
22 standing protocol or prescription for undesigned epinephrine
23 auto-injectors, are to incur no liability, except for willful
24 and wanton conduct, as a result of any injury arising from the
25 failure to administer an undesigned epinephrine
26 auto-injector to a person having an anaphylactic reaction.

1 (d) The permission for self-administration and self-carry
2 of asthma medication or the self-administration and self-carry
3 ~~use~~ of an epinephrine auto-injector is effective for the school
4 year for which it is granted and shall be renewed each
5 subsequent school year upon fulfillment of the requirements of
6 this Section.

7 (e) Provided that the requirements of this Section are
8 fulfilled, a pupil with asthma may self-administer and
9 self-carry ~~possess and use~~ his or her asthma medication or a
10 pupil may self-administer and self-carry ~~possess and use~~ an
11 epinephrine auto-injector (i) while in school, (ii) while at a
12 school-sponsored activity, (iii) while under the supervision
13 of school personnel, or (iv) before or after normal school
14 activities, such as while in before-school or after-school care
15 on school-operated property.

16 (e-5) Provided that the requirements of this Section are
17 fulfilled, a school nurse or trained personnel may administer
18 an undesignated epinephrine auto-injector to any person whom
19 the school nurse or trained personnel in good faith believes to
20 be having an anaphylactic reaction (i) while in school, (ii)
21 while at a school-sponsored activity, (iii) while under the
22 supervision of school personnel, or (iv) before or after normal
23 school activities, such as while in before-school or
24 after-school care on school-operated property. A school nurse
25 or trained personnel may carry undesignated epinephrine
26 auto-injectors on his or her person while in school or at a

1 school-sponsored activity.

2 (f) The school district, public school, or nonpublic school
3 may maintain ~~at a school in a locked, secure location~~ a supply
4 of undesigned epinephrine auto-injectors in any secure
5 location where an allergic person is most at risk, including,
6 but not limited to, classrooms and lunchrooms. A physician, a
7 physician assistant who has been delegated prescriptive
8 authority in accordance with Section 7.5 of the Physician
9 Assistant Act of 1987, or an advanced practice registered nurse
10 who has been delegated prescriptive authority in accordance
11 with Section 65-40 of the Nurse Practice Act may prescribe
12 undesigned epinephrine auto-injectors in the name of the
13 school district, public school, or nonpublic school to be
14 maintained for use when necessary. ~~The school district or~~
15 ~~nonpublic school supply of epinephrine auto-injectors may be~~
16 ~~provided to and utilized by any student authorized to~~
17 ~~self administer that meets the prescription on file or by any~~
18 ~~personnel authorized under a student's Individual Health Care~~
19 ~~Action Plan, Illinois Food Allergy Emergency Action Plan and~~
20 ~~Treatment Authorization Form, or plan pursuant to Section 504~~
21 ~~of the federal Rehabilitation Act of 1973 to administer an~~
22 ~~epinephrine auto injector to the student, that meets the~~
23 ~~prescription on file. When a student does not have an~~
24 ~~epinephrine auto injector or a prescription for an epinephrine~~
25 ~~auto injector on file, the school nurse may utilize the school~~
26 ~~district or nonpublic school supply of epinephrine~~

1 ~~auto injectors to respond to anaphylactic reaction, under a~~
2 ~~standing protocol from a physician licensed to practice~~
3 ~~medicine in all its branches and the requirements of this~~
4 ~~Section.~~

5 (g) Prior to the administration of an undesignated
6 epinephrine auto-injector, trained personnel must submit to
7 his or her school's administration proof of completion of a
8 training curriculum to recognize and respond to anaphylaxis
9 that meets the requirements of subsection (h) of this Section.
10 Training must be completed annually.

11 (h) A training curriculum to recognize and respond to
12 anaphylaxis, including the administration of an undesignated
13 epinephrine auto-injector, may be conducted online or in
14 person. It must include, but is not limited to:

15 (1) how to recognize symptoms of an allergic reaction;

16 (2) a review of high-risk areas;

17 (3) steps to take to prevent exposure to allergens;

18 (4) how to respond to an emergency involving an
19 allergic reaction;

20 (5) how to administer an epinephrine auto-injector;

21 (6) how to respond to a student with a known allergy as
22 well as a student with a previously unknown allergy; and

23 (7) other criteria as determined in rules adopted
24 pursuant to this Section.

25 The Board shall make available resource materials, with the
26 cooperation and input of the Department of Public Health,

1 consistent with criteria in this subsection (h) for educating
2 trained personnel to recognize and respond to anaphylaxis. The
3 Board may take into consideration the curriculum on this
4 subject developed by other states, as well as any other
5 curricular materials suggested by medical experts and other
6 groups that work on life-threatening allergy issues. The Board
7 is not required to create new resource materials. The Board
8 shall make these resource materials available on its Internet
9 website.

10 (i) Within 3 days after the administration of epinephrine
11 by a school nurse, trained personnel, or a student at a school
12 or school-sponsored activity, the school must report to the
13 Board in a form and manner prescribed by the Board the
14 following information:

15 (1) age and type of person receiving epinephrine
16 (student, staff, visitor);

17 (2) any previously known diagnosis of a severe allergy;

18 (3) trigger that precipitated allergic episode;

19 (4) location where symptoms developed;

20 (5) number of doses administered;

21 (6) type of person administering epinephrine (school
22 nurse, trained personnel, student); and

23 (7) any other information required by the Board.

24 (j) By October 1, 2015 and every year thereafter, the Board
25 shall submit a report to the General Assembly identifying the
26 frequency and circumstances of epinephrine administration

1 during the preceding academic year. This report shall be
2 published on the Board's Internet website on the date the
3 report is delivered to the General Assembly.

4 (k) The Board may adopt rules necessary to implement this
5 Section.

6 (Source: P.A. 96-1460, eff. 8-20-10; 97-361, eff. 8-15-11.)

7 Section 99. Effective date. This Act takes effect August 1,
8 2014.